

ESTTA Tracking number: **ESTTA620354**

Filing date: **08/08/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | Peristyle, LLC |
| Granted to Date of previous extension | 08/13/2014 |
| Address | 108 West Maple Street Nicholasville, KY 40356 UNITED STATES |
| Attorney information | Todd E. Stockwell Stockwell & Smedley, PSC 861 Corporate Drive Suite 200 Lexington, KY 40503 UNITED STATES testockwell@stockwell.us, ctsmedley@stockwell.us Phone:859-223-3400 |

Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86122346 | Publication date | 04/15/2014 |
| Opposition Filing Date | 08/08/2014 | Opposition Period Ends | 08/13/2014 |
| Applicant | Sazerac North America, Inc. 1001 Wilkinson Boulevard Frankfort, KY 40602 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Printed education materials, namely, written articles, printed newsletters, and printed tour and museum exhibit guides, all relating to the history of American whiskey and the production, bottling, and distribution of whiskey; greeting cards, Christmas cards; bookmarks; stickers; ink pens and pencils, stationery products, namely, writing paper, envelopes, note pads, and calendars; driving trail and walking trail maps |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86122347 | Publication date | 04/15/2014 |
| Opposition Filing Date | 08/08/2014 | Opposition Period Ends | |
| Applicant | Sazerac North America, Inc. 1001 Wilkinson Boulevard Frankfort, KY 40602 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Promoting, marketing and fostering travel and tourism in the United States, namely, providing destination advertising services; marketing, advertising and promoting goods and services of others in the field of American whiskey production, bottling, and distribution; online retail gift shops; promotional sponsorship of county and state fairs and community festivals and sporting, equestrian and athletic events; providing information via a website in the field of business information regarding whiskey distilleries; association services, namely, promoting the interests of the bourbon industry

Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86122348 | Publication date | 04/15/2014 |
| Opposition Filing Date | 08/08/2014 | Opposition Period Ends | |
| Applicant | Sazerac North America, Inc. 1001 Wilkinson Boulevard Frankfort, KY 40602 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 039. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing travel and transportation information services via a global information network; organizing and operating travel tours related to the history of American whiskey and the production, bottling, and distribution of whiskey

Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86122349 | Publication date | 04/15/2014 |
| Opposition Filing Date | 08/08/2014 | Opposition Period Ends | |
| Applicant | Sazerac North America, Inc. 1001 Wilkinson Boulevard Frankfort, KY 40602 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 040. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing a destination web site for the provision of educational information regarding whiskey distilleries

Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 86122350 | Publication date | 04/15/2014 |
| Opposition Filing Date | 08/08/2014 | Opposition Period Ends | |
| Applicant | Sazerac North America, Inc. 1001 Wilkinson Boulevard Frankfort, KY 40602 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Educational services, namely, conducting classes and seminars in the field of whiskey; arranging and conducting special social events related to the whiskey industry for social entertainment purposes; providing private guided tours of museums, historical sites, and geographic points of interest; organizing social events, namely, whiskey tastings and food tastings; providing a destination web site for the provision of educational information regarding the history of American whiskey

Grounds for Opposition

| | |
|---|-------------------------------|
| The mark is primarily geographically deceptively misdescriptive | Trademark Act section 2(e)(3) |
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|-------------|---|
| Attachments | Notice of Opposition - OLD TAYLOR Combined.pdf(308335 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

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|-----------|--------------------|
| Signature | /todd e stockwell/ |
| Name | Todd E. Stockwell |
| Date | 08/08/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|-----------------------------|---|--|
| PERISTYLE, LLC |) | |
| |) | |
| Opposer |) | |
| |) | |
| v. |) | Opposition No. _____ |
| |) | |
| SEZARAC NORTH AMERICA, INC. |) | Serial Nos. 86/122,346; 86/122,347; |
| |) | 86/122,348; 86/122,349; and 86/122,350 |
| Applicant |) | Mark: OLD TAYLOR |
| |) | |

NOTICE OF OPPOSITION

Opposer, Peristyle, LLC, a Kentucky limited liability company with a business address of 108 West Maple Street, Nicholasville, Kentucky 40356 (“Opposer”), hereby opposes registration of the mark OLD TAYLOR that is the subject of application Serial Nos. 86/122,346, 86/122,347, 86/122,348, 86/122,349, and 86/122,350, each published in the Official Gazette on April 15, 2014, that are owned by Sezerac North America, Inc. (“Applicant”) and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer is the owner of the real estate located on McCracken Pike, Woodford County, Millville, Kentucky, that is the location of the historic Old Taylor Distillery.
2. The Old Taylor Distillery was opened as a Kentucky bourbon distillery in the 1880s at the same location on which it sits today.
3. During the previous century, the original proprietor of the Old Taylor Distillery, Colonel E.H. Taylor, Jr., built several unique buildings on the

property, including a castle-like structure that is both visible from the road and well-known.

4. The original proprietor of the Old Taylor Distillery also increased the fame and visibility of the location by hosting visitors and members of the public as part of the tourism industry.
5. As such, the Old Taylor Distillery is a famous and generally well-known geographic location that, even to this date, members of the public still associate with the Old Taylor Distillery, and OLD TAYLOR trademark.
6. Applicant has filed an intent-to-use application under Section 1(b) of the Trademark Act for the mark OLD TAYLOR in International Class 16 for use with various printed educational materials in the field of whiskey, the history of whiskey, and for use in related tourism industries.
7. Applicant has filed an intent-to-use application under Section 1(b) of the Trademark Act for the mark OLD TAYLOR in International Class 35 for use with “promoting, marketing and fostering travel and tourism in the United States, namely, providing destination advertising services; marketing, advertising and promoting goods and services of others in the field of American whiskey production, bottling, and distribution; online retail gift shops; promotional sponsorship of county and state fairs and community festivals and sporting, equestrian and athletic events; providing information via a website in the field of business information regarding whiskey distilleries; association services, namely, promoting the interests of the bourbon industry”.

8. Applicant has filed an intent-to-use application under Section 1(b) of the Trademark Act for the mark OLD TAYLOR in International Class 39, in connection with “Providing travel and transportation information services via a global information network; organizing and operating travel tours related to the history of American whiskey and the production, bottling, and distribution of whiskey”.
9. Applicant has filed an intent-to-use application under Section 1(b) of the Trademark Act for the mark OLD TAYLOR in International Class 40, in connection with “providing a destination web site for the provision of education information regarding whiskey distilleries”.
10. Applicant has filed an intent-to-use application under Section 1(b) of the Trademark Act for the mark OLD TAYLOR in International Class 41, in connection with “educational services, namely, conducting classes and seminars in the field of whiskey; arranging and conducting special social events related to the whiskey industry for social entertainment purposes; providing private guided tours of museums, historical sites, and geographic points of interest; organizing social events, namely, whiskey tastings and food tastings; providing a destination web site for the provision of educational information regarding the history of American whiskey”.
11. Because Applicant’s goods or services will not originate from the location of the Old Taylor Distillery (since it is owned by Opposer), a generally well-known geographic location to the public and the whiskey-bourbon

industry, Applicant's mark is geographically deceptive of the origin of Applicant's goods.

12. In view of the fame of the geographic location owned by Opposer, typical consumers are likely to believe that Applicant's goods and services originate from and are provided at Opposer's well-known location.
13. Further, Applicant's mark may be a material factor for a significant portion of the consumer's decision to purchase Applicant's goods and services.
14. As a result of the geographic deceptiveness of Applicant's mark, registration of Applicant's mark, in each of the classes claimed, on the Principal Register must be refused.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully Submitted,

Date: August 8, 2014



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ctsmmedley@stockwell.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of August, 2014, a true and correct copy of the foregoing Notice of Opposition was served by regular U.S. mail upon the following counsel for Applicant:

Todd S. Bontemps, Esq.
Cooley, LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004

By: 
Todd E. Stockwell